

CIVIL COVER SHEET

This cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as the rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the filing of the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

PLAINTIFFS
Christian
3 Royal Road
Lancaster, PA 17603

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
SEE ATTACHMENT

DEFENDANTS
Highmark Inc., and The Lancaster General Hospital and The
Lancaster General Hospital Foundation

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)
SEE ATTACHMENT

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input checked="" type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☒ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

ERISA, 29 U.S.C. §1101, et seq.

Brief description of cause:

ERISA claim for medical benefits

VI. CAUSE OF ACTION

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 150,000.00±

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Schmel

DOCKET NUMBER 5:17-cv-05612-JLS

DATE

12/27/2018

FOR OFFICE USE ONLY

SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

DEC 28 2018

**RYNE CHRISTIAN v. HIGHMARK INC., and THE LANCASTER GENERAL
HOSPITAL and THE LANCASTER GENERAL HOSPITAL FOUNDATION**

COUNSEL LIST

Michael J. Burns, Esquire
BOWEN & BURNS
530 Street Road
Southampton, PA 18966
mjburnslaw@verizon.net
215.322.9030

Attorney for Defendant, Highmark Inc.

Graham F. Baird, Esquire
THE LAW OFFICES OF ERIC A. SHORE
Two Penn Center #1240
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grahamb@ericshore.com
215.627.9999

Attorney for Plaintiff, Ryne Christian

George C. Werner, Esquire
BARLEY SNYDER
126 East King Street
Lancaster, PA 17602
gwerner@barley.com
(717) 399-1511

**Attorney for Co-Defendants,
The Lancaster General Hospital, and
The Lancaster General Hospital Foundation**

18

5588

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: RYNE CHRISTIAN, 2726 ROYAL ROAD, LANCASTER, PA 17603

Address of Defendant: HIGHMARK INC., 1800 CENTER ST., CAMP HILL, PA 17011 AND THE LANCASTER GENERAL HOSPITAL AND THE LANCASTER GENERAL HOSPITAL FOUNDATION, 555 N. DUKE ST., LANCASTER, PA 17604

Place of Accident, Incident or Transaction: PENNSYLVANIA

Date Terminated: _____

year Yes ☒ No ☐

or suit Yes ☒ No ☐

or Yes ☐ No ☒

rights Yes ☐ No ☒

ending or within one year previously terminated action in

THIS CASE IS RELATED TO: Judge Schmehl

CIVIL ACTION NO.
CRIMINAL NO.

17-CV-5612

ASSIGNED TO:

DATE: 12/27/2018

62088

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☒ 10. Social Security Review Cases
- ☒ 11. All other Federal Question Cases

(Please specify): ERISA

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Michael J. Burns, counsel of record or pro se plaintiff, do hereby certify:

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

☒ Relief other than monetary damages is sought.

DATE: 12/27/2018

62088

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

DEC 28 2018

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

CIVIL ACTION

RYNE CHRISTIAN

v.

HIGHMARK INC., AND THE LANCASTER
GENERAL HOSPITAL AND THE LANCASTER:
GENERAL HOSPITAL FOUNDATION

18 5588
NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>12-27-2018</u>	<u>MICHAEL J. BURNS, ESQUIRE</u>	<u>DEFENDANT, HIGHMARK INC.</u>
Date	Attorney-at-law	Attorney for
<u>215-380-9030</u>	<u>215-380-9308</u>	<u>mjburnslaw@verizon.net</u>
Telephone	FAX Number	E-Mail Address

(Civ. 660) 10/02

DEC 28 2018

JLS
8400

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RYNE CHRISTIAN,

Plaintiff

vs.

HIGHMARK INC., and
THE LANCASTER GENERAL
HOSPITAL and THE LANCASTER
GENERAL HOSPITAL FOUNDATION

Defendants

CIVIL ACTION

NO. _____

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5588

DEFENDANT HIGHMARK INC.'S NOTICE OF REMOVAL

Defendant, Highmark Inc. ("Highmark"), by and through its counsel, Bowen & Burns, herein files a Notice of Removal and in support thereof avers as follows:

1. On or about November 15, 2018, Plaintiff, Ryne Christian filed a "Civil Action Complaint" in the Court of Common Pleas of Lancaster County, Pennsylvania at Civil Action No. CI-18-09892 against Highmark, The Lancaster General Hospital, and The Lancaster General Hospital Foundation ("State Court Action") seeking judgment against all Defendants in an amount in excess of \$150,000.00, *inter alia*. Attached hereto and incorporated herein as Exhibit A is a true and correct copy of Plaintiff's Complaint as filed of record in the State Court Action; attached hereto as Exhibit B is a true and correct copy of the Docket in the State Court Action as of December 24, 2018.

2. Highmark was served with Plaintiff's Complaint on or about December 5, 2018, which State Court Action is now being timely removed within thirty (30) days of the receipt of service of Plaintiff's Complaint. *See* Exhibit B 12/19/2018 entry; also attached hereto as Exhibit C is a true and correct copy of the service of process filing as to Highmark in the State Court Action.

3. In his Complaint, Plaintiff averred that he "was an insured under a medical insurance plan provided by Defendant Highmark to Mr. Christian through his employer, The Mennonite Home." *See* Exhibit "A" at para. 11.

4. Further, in his Complaint in the State Court Action, Plaintiff plead a cause of action at Count II under "ERISA 29 U.S.C. §1144" and confirmed that Plaintiff, as an employee of The Mennonite Home was "entitled to receive, and did receive, various ERISA covered employee benefits." *See* Exhibit A at Count II and para. 37, respectively.¹

5. The Mennonite Home established and maintains a self-funded employee welfare benefit plan, not a "medical insurance plan," as defined under ERISA to provide certain health benefits to its employees, dependents, and other persons eligible. Attached hereto as Exhibit D, in pertinent part, is the benefit booklet for the for The Mennonite Home's PPO Blue plan that provides: "Disclosure: your health benefits are entirely funded by your employer, Highmark Blue Shield provides administrative and claims payments services only."

¹ Indeed, in another case, Plaintiff filed suit his former employer, The Mennonite Home and asserted an ERISA cause of action for "Wrongful Termination In Violation of ERISA Section 510." *See* Plaintiff's Amended Complaint in the USDC for the Eastern District of Pennsylvania at Case No. 5:17-cv-05612-JLS.

6. As plead, Plaintiff's Complaint establishes that his claims for medical payment arise directly and solely from and under an employee welfare benefit plan, which is a self-funded plan (not a health insurance policy) provided by his employer, The Mennonite Home, such that ERISA applies and governs.

7. It is well-established that ERISA preempts state law cause of action 29 U.S.C. § 1114 (a) ("... supersede any and all State laws insofar as they may now or later relate to an employee welfare benefit plan...") and, further, that an ERISA claim is removal to federal court as it involves a federal question and in accordance with the Doctrine of Complete Preemption. *See, Ingersoll-Rand Co. v. McClendon*, 498 U.S. 133, 138-9, 111 S.Ct. 478, 112 L. ED 2nd 474 (1990); *Dukes v. U.S. Healthcare, Inc.*, 57 F. 3d 350, 354 (3d. Cir. 1998).

8. Accordingly, inasmuch as the State County Action arises from and involves the payment of medical claims under and pursuant to an ERISA plan, *see* Exhibit A at para. 21, 23, 31, and 43, Highmark with the consent of Co-Defendants herein moves to remove the State Court Action to this Court under and pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441 (c) (1)(B) as well as in accordance with 29 U.S.C. § 1144 (a). Attached hereto as Exhibit E is a true and correct copy of the "Consent to Removal".

9. In addition to Plaintiff's Complaint attached as Exhibit A, a true and correct copy of "all process, pleadings, and orders served" are attached hereto collectively as Exhibit C as per 28 U.S.C. § 1446(a). *See also* Exhibit B.

10. Co-Defendants, The Lancaster General Hospital and The Lancaster General Hospital Foundation, through counsel, have consented to the removal of this matter from state court (i.e., the Court of Common Pleas of Lancaster County) to this federal court as per 28 U.S.C. § 1446(b)(2).

WHEREFORE, Defendant, Highmark, Inc., with the consent of all Co-Defendants, requests that its Notice for Removal be accepted and that this ERISA based action proceed in the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

BOWEN & BURNS

Date: 12-27-2018

By: 

Michael J. Burns, Esquire
PA Atty. ID#: 62088
530 Street Road
Southampton, PA 18966
(215) 322-9030
(215) 322-9308 (fax)
mjburnslaw@verizon.net

Attorney for Defendant,
Highmark Inc.

EXHIBIT A

Graham F. Baird, Esquire
Attorney ID No: 92692
THE LAW OFFICES OF ERIC A. SHORE
Two Penn Center #1240
1500 JFK Boulevard
Philadelphia PA 19102
267.546.0131

Attorneys for Plaintiff, Ryne Christian

RYNE CHRISTIAN
2726 Royal Road
Lancaster, PA 17603

Plaintiff

v.

HIGHMARK, INC.
1800 Center Street
Camp Hill, PA 17011

And

THE LANCASTER GENERAL HOSPITAL
555 North Duke Street
Lancaster, PA 17604

And

THE LANCASTER GENERAL
HOSPITAL FOUNDATION
555 North Duke Street
Lancaster, PA 17604

Defendants

COURT OF COMMON PLEAS
LANCASTER COUNTY

CI-18-09892

JURY OF TWELVE DEMANDED

No.:

CIVIL ACTION COMPLAINT

I. Parties and Reasons for Jurisdiction.

1. Plaintiff, Ryne Christian (hereinafter "Plaintiff") is an adult individual residing at the above address.

2. Defendant, Highmark, Inc. (hereinafter "Highmark"), is a corporation organized by and operating under the laws of the Commonwealth of Pennsylvania and having principal place of business at the above captioned address. Defendant is a citizen of the Commonwealth of Pennsylvania.

3. Defendant, The Lancaster General Hospital (hereinafter "LGH"), is a corporation organized by and operating under the laws of the Commonwealth of Pennsylvania and having principal place of business at the above captioned address. Defendant is a citizen of the Commonwealth of Pennsylvania.

4. Defendant, The Lancaster General Hospital Foundation (hereinafter "LGHF"), is a corporation organized by and operating under the laws of the Commonwealth of Pennsylvania and having principal place of business at the above captioned address. Defendant is a citizen of the Commonwealth of Pennsylvania.

5. The foregoing Defendants, Highmark, Inc., The Lancaster General Hospital Foundation and The Lancaster General Hospital shall all be referred to collectively herein as "Defendants."

6. This action is instituted pursuant to Pennsylvania law.

7. The causes of action in this matter, as stated more fully herein, all arose from within the geographical boundary of Lancaster County, Pennsylvania. Furthermore, the Plaintiff and certain Defendants reside in Lancaster County. Thus, pursuant to Pa.R.Civ.P. 1006, venue and jurisdiction appropriately lie with this Court.

II. Operative Facts.

10. In August 2016, Christian sought treatment at the emergency department of a local hospital for an infection in his leg and a high fever. While being treated for those

conditions, his treating physicians performed an ECG scan of Christian's heart. The scan revealed serious abnormalities in Christian's cardiac rhythm.

11. In August 2016, Mr. Christian was an insured under a medical insurance plan provided by Defendant Highmark to Mr. Christian through his employer, The Mennonite Home,

12. Soon after his emergency department visit, Christian's physicians discovered a potentially serious problem with his heart and he would be examined by specialist to ascertain a diagnosis and undergoing appropriate treatment.

CI-18-09892

13. During the months of September, October, and November 2016, Christian visited cardiac specialists to determine the true nature of his diagnosis.

14. In late November or early December 2016, Christian received his definitive diagnosis. His physicians determined that Christian had a serious heart condition called Brugada Syndrome ("Cardiac Disorder").

15. The Cardiac Disorder causes a disruption of the heart's normal rhythm. It can lead to irregular heartbeats in the heart's ventricles—an abnormality called ventricular arrhythmia. If untreated, the irregular heartbeats can cause fainting, seizures, difficulty breathing, or sudden death. The implantation of an automatic implantable cardioverter-defibrillator (ICD) is the only treatment proved effective in treating ventricular tachycardia and fibrillation and preventing sudden death in patients with this Cardiac Disorder.

16. In December 2016, Christian's surgeons by and on behalf of Defendants LGH and LGHF sought to treat his Cardiac Disorder by implanting an ICD in his chest.

17. In preparation for the surgical procedure, on or about December 7, 2016, representatives of Defendants contacted Plaintiff to advise him that he was covered for the surgery.

18. Defendant, Highmark notified Defendants, LGH and LGHF that it had approved coverage for the ICD surgery.

19. On December 8, 2016, Defendant suspended Christian. On December 9, 2016, Defendant terminated Christian.

20. Defendants LGH and LGHF performed surgery upon Plaintiff Christian to implant the ICD in his chest in mid-December 2016, on or about December 14, 2016.

21. In or around mid January, 2017, Defendants sent and Plaintiff received a bill for the surgery in the amount of \$108,000.

22. In the time leading up to the surgery, Plaintiff could and would have delayed the surgery had he known that the surgery would be uncovered by Defendant, Highmark.

23. Consequently, Christian has incurred out-of-pocket medical expenses in excess of \$100,000 for the ICD implant surgery and related treatment.

24. Christian's medical care went uncovered despite Defendants' statements to Plaintiff advising him that he was in fact covered for the surgery should he move forward with it.

25. As a direct and proximate result of Defendants' aforementioned conduct, Christian sustained great economic loss, as well emotional distress, humiliation, pain and suffering and other damages as set forth below.

III. Causes of Action.

COUNT I PENNSYLVANIA STATE LAW CLAIM (Promissory Estoppel)

26. Plaintiff incorporates paragraphs 1-25 as if fully set forth at length herein.

27. On or about December 7, 2016, Defendants advised Plaintiff that he would have insurance coverage to pay for his aforementioned ICD implant surgery.

28. Based upon these statements, Mr. Christian consented to be operated upon by Defendants, The Lancaster General Hospital and The Lancaster General Hospital Foundation.

29. Mr. Christian was unfairly terminated from his employment on or about December 9, 2016.

30. Mr. Christian was never advised that his medical insurance was terminated prior to undergoing the surgery on or about December 14, 2016.

CI-18-09892

31. At the time of the surgery, Mr. Christian had no knowledge or notice that he was uninsured for the surgery until receiving a bill of well over \$100,000 from Defendants and Mr. Christian reasonably relied upon the previous statements of Defendants whereby they advised that he would be insured for the surgery.

32. As a result of the foregoing, Christian continues to incur substantial medical bills for uncovered medical procedures.

33. As a proximate result of Defendant's conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, emotional distress, mental anguish, humiliation, pain and suffering and consequential damages and a claim is made therefore.

34. As a result of Defendants' conduct, Plaintiff hereby demands punitive and liquidated damages.

35. Plaintiff also demands attorneys' fees and court costs.

COUNT II
ERISA 29 U.S.C. § 1144

36. Plaintiff incorporates paragraphs 1-35 as if fully set forth at length herein.

37. At all relevant times during his employment at the Mennonite Home, Plaintiff was entitled to receive, and did receive, various ERISA covered employment benefits, including health insurance coverage.

38. As an employee of the Mennonite Home, Christian was covered by Mennonite Home's health insurance plan, provided by Defendant Highmark Blue Shield.

39. As set forth above, Defendants informed Plaintiff his surgery would be covered under his medical insurance plan issued by Defendant, Highmark.

40. In reliance upon this statement, Plaintiff Christian elected to proceed with his surgery as scheduled.

CI-18-09892

41. Following his surgery, Defendants demanded payment from Christian in an amount in excess of \$100,000.

42. Manifest injustice would result in the event Mr. Christian is required to pay the full amount of the bill.

43. As such, Defendants are equitably estopped from denying Plaintiff insurance coverage for his aforementioned surgery, and/or demanding payment for said surgery.

44. As a proximate result of Defendant's conduct, Plaintiff sustained significant damages, including but not limited to: great economic loss, emotional distress, mental anguish, humiliation, pain and suffering and consequential damages and a claim is made therefore.

45. As a result of Defendants' conduct, Plaintiff hereby demands punitive and liquidated damages.

35. Plaintiff also demands attorneys' fees and court costs.

IV. Relief Requested.

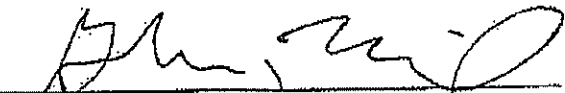
WHEREFORE, Plaintiff Ryne Christian, hereby demands judgment in his favor and against Defendants, Highmark, Inc., The Lancaster General Hospital and The Lancaster General Hospital Foundation, jointly and severally, in an amount in excess of \$150,000.00 together with:

- A. Compensatory damages, including but not limited to: back pay, front pay, past lost wages, future lost wages, lost pay increases, lost pay incentives, lost opportunity, lost benefits, lost future earning capacity, injury to reputation, mental and emotional distress, pain and suffering
- B. Punitive damages;
- C. Attorneys fees and costs of suit;
- D. Interest, delay damages; and,
- E. Any other further relief this Court deems just proper and equitable.

CI-18-09892

LAW OFFICES OF ERIC A. SHORE, P.C.

BY:



GRAHAM F. BAIRD, ESQUIRE

Two Penn Center
1500 JFK Boulevard, Suite 1240
Philadelphia, PA 19102
Phone: (267) 546-0124
Fax: (215) 944-6124

Attorney for Plaintiff, Ryne Christian

Date: November 14, 2018

EXHIBIT B

PROTHONOTARY OF LANCASTER COUNTY

Katherine Wood-Jacobs
Prothonotary

George Alspach
Solicitor



RYNE CHRISTIAN
vs.
HIGHMARK INC (et al.)

Case Number
CI-18-09892

PROTHONOTARY DOCKET ENTRIES

11/15/2018 COMPLAINT FILED BY GRAHAM F. BAIRD, ESQ.

11/15/2018 CAPTION ENTRY IS: RYNE CHRISTIAN V. HIGHMARK, INC. AND THE LANCASTER GENERAL HOSPITAL AND THE LANCASTER GENERAL HOSPITAL FOUNDATION

11/16/2018 CASE ASSIGNED TO JUDGE ASHWORTH

12/07/2018 PRAECIPE-ENTER APPEARANCE, ON BEHALF OF DEFENDANTS, LANCASTER GENERAL HOSPITAL AND LANCASTER GENERAL HOSPITAL FOUNDATION, FILED BY GEORGE WERNER, ESQ, CERTIFICATE OF SERVICE OF THE SAME AND CERTIFICATE OF COMPLIANCE

12/19/2018 11/30/2018 1:40PM SERVED THE COMPLAINT IN CIVIL ACTION (CICA) BY HANDING A COPY TO KATHRYN F. WEINRICH (DIRECTOR & SENIOR COUNSEL), WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE LANCASTER GENERAL HOSPITAL AT 555 NORTH DUKE STREET, LANCASTER, PA 17603. SO ANSWERS: DEPUTY BARBARA RODRIGUEZ-SANTANA, DEPUTY SHERIFF OF LANCASTER COUNTY, PA. 11/30/2018 1:40PM SERVED THE COMPLAINT IN CIVIL ACTION (CICA) BY HANDING A COPY TO KATHRYN F. WEINRICH (DIRECTOR & SENIOR COUNSEL), WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE LANCASTER GENERAL HOSPITAL FOUNDATION AT 555 NORTH DUKE STREET, LANCASTER, PA 17604. SO ANSWERS: DEPUTY BARBARA RODRIGUEZ-SANTANA, DEPUTY SHERIFF OF LANCASTER COUNTY, PA. 12/05/2018 2:36PM THE REQUESTED COMPLAINT IN CIVIL ACTION (CICA) SERVED BY THE SHERIFF OF CUMBERLAND COUNTY UPON JANET MCNEAL, EXECUTIVE ADMINISTRATIVE ASSISTANT, ADULT IN CHARGE, WHO ACCEPTED FOR HIGHMARK, INC., AT 1800 CENTER STREET, CAMP HILL, PA 17011. DEPUTY JOHN MCULLOCH, RETURN OF SERVICE ATTACHED TO AND MADE PART OF THE WITHIN RECORD. CUMBERLAND COUNTY COSTS: \$37.35 REFUND CHECK 12/10/18 CHECK #8928 \$62.65 SHERIFF COSTS: \$107.23 SO ANSWERS, CHRISTOPHER LEPLER

December 24, 2018

EXHIBIT C

SHERIFF'S OFFICE OF LANCASTER COUNTY

Christopher Leppler
Sheriff



Michael Armer
Lieutenant

Christopher Riggs
Chief Deputy

Michael D. Hess
Solicitor

RYNE CHRISTIAN
vs.
THE LANCASTER GENERAL HOSPITAL (et al.)

Case Number
CI-18-09892

SHERIFF'S RETURN OF SERVICE

- 11/29/2018 I, CHRISTOPHER LEPLER, SHERIFF OF LANCASTER COUNTY PA DO HEREBY DEPUTIZE THE SHERIFF OF CUMBERLAND, PENNSYLVANIA TO EXECUTE THE WRIT ON HIGHMARK, INC. AT 1800 CENTER STREET, CAMP HILL, PA 17011 AND MAKE RETURN THEREOF ACCORDING TO LAW. THIS DEPUTATION BEING MADE AT THE REQUEST OF THE PLAINTIFF.
- 11/30/2018 01:40 PM - SERVED THE COMPLAINT IN CIVIL ACTION (CICA) BY HANDING A COPY TO KATHRYN F. WEINRICH (DIRECTOR & SENIOR COUNSEL), WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE LANCASTER GENERAL HOSPITAL AT 555 NORTH DUKE STREET, LANCASTER, PA 17603. SO ANSWERS: DEPUTY BARBARA RODRIGUEZ-SANTANA, DEPUTY SHERIFF OF LANCASTER COUNTY, PA.


BARBARA GUNNET, DEPUTY

- 11/30/2018 01:40 PM - SERVED THE COMPLAINT IN CIVIL ACTION (CICA) BY HANDING A COPY TO KATHRYN F. WEINRICH (DIRECTOR & SENIOR COUNSEL), WHO ACCEPTED AS "ADULT PERSON IN CHARGE" FOR THE LANCASTER GENERAL HOSPITAL FOUNDATION AT 555 NORTH DUKE STREET, LANCASTER, PA 17604. SO ANSWERS: DEPUTY BARBARA RODRIGUEZ-SANTANA, DEPUTY SHERIFF OF LANCASTER COUNTY, PA.


BARBARA GUNNET, DEPUTY

- 12/05/2018 02:36 PM - THE REQUESTED COMPLAINT IN CIVIL ACTION (CICA) SERVED BY THE SHERIFF OF CUMBERLAND COUNTY UPON JANET MCNEAL, EXECUTIVE ADMINISTRATIVE ASSISTANT, ADULT IN CHARGE, WHO ACCEPTED FOR HIGHMARK, INC., AT 1800 CENTER STREET, CAMP HILL, PA 17011. DEPUTY JOHN MCULLOCH, RETURN OF SERVICE ATTACHED TO AND MADE PART OF THE WITHIN RECORD.

CUMBERLAND COUNTY COSTS: \$37.35 REFUND CHECK 12/10/18 CHECK #8928 \$62.65

SHERIFF COST: \$107.23

SO ANSWERS,

December 19, 2018


CHRISTOPHER LEPLER, SHERIFF

DATE	CATEGORY	MEMO	CHK #	DEBIT	CREDIT
11/27/2018	Advance Fee	Advance Fee	1218	\$0.00	\$150.00
11/27/2018	Receiving, Docketing & Return	(PAID 12/03/2018)		\$9.00	\$0.00
11/27/2018	Service	(PAID 12/03/2018)		\$9.00	\$0.00
11/27/2018	Sheriff Training Act	(PAID 12/03/2018) 3X		\$30.00	\$0.00
11/27/2018	Affidavit	(PAID 12/03/2018) 2X		\$3.50	\$0.00
11/27/2018	Deputy Time	(PAID 12/03/2018) 2X		\$20.00	\$0.00
11/27/2018	Copies	(PAID 12/03/2018) 2X		\$12.00	\$0.00
11/27/2018	Service (Additional Defendant)	(PAID 12/03/2018)		\$12.00	\$0.00
11/29/2018	Deputized Service	(PAID 12/03/2018) Cumberland County		\$9.00	\$0.00
11/30/2018	Service Mileage	(PAID 12/03/2018)		\$2.73	\$0.00
12/19/2018	Refund			\$42.77	\$0.00
				\$150.00	\$150.00
BALANCE:				\$0.00	

EXHIBIT D

PPO BLUE

PPO PROGRAM

**The Mennonite Home
Groups 25375-90, 91
Effective July 1, 2016
Produced July, 2016**

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Disclosure

Your health benefits are entirely funded by your employer. Highmark Blue Shield provides administrative and claims payment services only.

EXHIBIT E

CERTIFICATE OF SERVICE

I, Michael J. Burns, Esquire, herein certifies that on December 27, 2018, I caused to be served a true and correct copy of *Defendant, Highmark Inc.'s Notice of Removal* upon the individuals listed below via electronic filing and by United States Mail, First Class, postage pre-paid to:

Graham F. Baird, Esquire
THE LAW OFFICES OF ERIC A. SHORE
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1500 JFK Boulevard
Philadelphia, PA 19102
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Attorney for Plaintiff, Ryne Christian

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BARLEY SNYDER
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**Attorney for Co-Defendants, The Lancaster General Hospital
and The Lancaster General Hospital Foundation**

By: 
Michael J. Burns, Esquire